

REMARKS

The above amendment and these remarks are filed in response to the Office Action of 14 Sep 2005.

Examiner Interview

Applicants' attorney expresses appreciation for courtesy extended by Examiner Raquel Alvarez on 7 Sep 2005. At that time, the Examiner called the undersigned to advise him that a terminal disclaimer would be required in the case, and that the case was ready for allowance (subject to the "second eyes" review).

Double Patenting

Claims 23, 40 and 41 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent No. 09/756,931.

Applicants believe that there is a clerical error in this rejection. "09/756,931" is the serial number of this application, and not that of the parent. The parent application, of which this application is a continuation, is

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S/N 09/046,120, filed 20 Mar 1998, which issued 23 Oct 2001 as U.S. Patent 6,308,161.

On the assumption that the Examiner intended to refer to U.S. Patent 6,308,161, applicants submit herewith a terminal disclaimer with respect to U.S. Patent 6,308,161, and not with respect to 09/756,931. If this assumption is in error, applicants request that the terminal disclaimer submitted herewith not be entered, and that the Examiner clarify her rejection.

Specification

Applicants have amended claim 40 to correct a grammatical error.

CONCLUSION

Applicants urge that the above amendment be entered and the case passed to issue with claims 23, 40, and 41.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should

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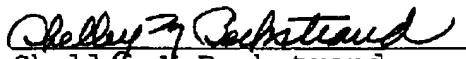
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differences remain, however, which do not place one/more of the remaining claims in condition for allowance, or if this Amendment is deemed Non-Compliant under 37 CFR 1.121, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented in a compliant manner for examination on the merits, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

E. B. Boden, et al.

By


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Date: 1 Oct 2005

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